

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
SYRACUSE DIVISION**

ANTHONY GRIFFIN, MARK MCINDOO, and SUZANNE DETOMASO, on behalf of themselves and all others similarly situated,	)	
	)	Civil Action No.: 5:16-cv-354
	)	(LEK/ATB)
	)	
Plaintiffs,	)	<b>DECLARATION OF LLOYD</b>
v.	)	<b>AMBINDER IN SUPPORT OF</b>
	)	<b>PLAINTIFFS' MOTIONS FOR FINAL</b>
ALDI, INC., DOE DEFENDANTS 1-10,	)	<b>APPROVAL OF SETTLEMENT AND</b>
	)	<b>AWARD OF ATTORNEYS' FEES</b>
Defendants.	)	<b>AND EXPENSES</b>

I, Lloyd Ambinder, declare as follows:

1. I am a partner of the law firm of Virginia & Ambinder, LLP (the "V&A Firm"). I submit this declaration in support of Plaintiffs' Motions for final approval of settlement and award of attorneys' fees in connection with services rendered in this case, as well as the reimbursement of expenses incurred by my firm in connection with this collective class action litigation. I have personal knowledge of the matters set forth herein based upon my active supervision and participation in all material aspects of this litigation.

2. My firm is Co-Lead counsel in this matter. Counsel from V&A Firm are experienced litigators who have successfully represented classes in numerous class actions in federal and state court and have considerable experience in labor law cases including *Espinoza v. 953 Assocs. LLC*, 280 F.R.D. 113, 129-30 (S.D.N.Y. 2011) (Scheindlin, J.); *Lujan v. Cabana Management, Inc.*, Index No. 10-cv-755, 2011 WL 317984, (E.D.N.Y. Feb. 1 2011) (Block, J.)

3. The hourly rates the V&A Firm charges are listed in the schedule below, indicating the amount of time spent by attorneys and professional support staff of my firm who were involved in this litigation. The schedule below also shows the lodestar calculation based on a discounted rate of my firm's current billing rates.

<b>Attorney/Staff</b>	<b>Hours</b>	<b>Regular Rate</b>	<b>Discounted Rate</b>	<b>Regular Lodestar</b>	<b>Discounted Lodestar</b>
<b>Partners</b>					
Ambinder, Lloyd	155.30	\$525.00	\$500.00	\$81,532.50	\$77,650.00
Murphy, James	126.00	\$450.00	\$450.00	\$56,700.00	\$56,700.00
Lusher, LaDonna	11.70	\$450.00	\$450.00	\$5,265.00	\$5,265.00
<b>Certified Public Accountant (CPA)</b>					
Tokarz, Maria	278.3	\$350.00	\$350.00	\$97,405.00	\$97,405.00
<b>Associates</b>					
Miller, Kara	24.70	\$425.00	\$350.00	\$10,497.50	\$8,645.00
Coyle, Leonor	0.60	\$425.00	\$350.00	\$255.00	\$210.00
Leeds, Suzanne	343.90	\$395.00	\$350.00	\$135,840.50	\$120,365.00
Genova, Alison	10.80	\$325.00	\$325.00	\$3,510.00	\$3,510.00
Newhouse, Jack	1.00	\$325.00	\$325.00	\$325.00	\$325.00
Moreno, Michele	22.30	\$250.00	\$250.00	\$5,575.00	\$5,575.00
Sakovits, Alana	0.10	\$250.00	\$250.00	\$25.00	\$25.00
<b>Law Clerks</b>					
Ambinder, Hannah	47.1	\$125.00	\$125.00	\$5,887.50	\$5,887.50
<b>Paralegals</b>					
Zakharkina, Albina	33.80	\$125.00	\$125.00	\$4,225.00	\$4,225.00
Cerniglia, Alexa	24.00	\$125.00	\$125.00	\$3,000.00	\$3,000.00
Nadgorski, Adam M.	15.50	\$125.00	\$125.00	\$1,937.50	\$1,937.50
Schreiber, Andrew	0.60	\$125.00	\$125.00	\$75.00	\$75.00
Valeiro, Ana	0.20	\$125.00	\$125.00	\$25.00	\$25.00
Claudio, Yessenia	83.20	\$125.00	\$125.00	\$10,400.00	\$10,400.00
Benharris, Hunter	52.90	\$125.00	\$125.00	\$6,612.50	\$6,612.50
Perez, Irayda	10.40	\$125.00	\$125.00	\$1,300.00	\$1,300.00
Isnardi, Christina	5.40	\$125.00	\$125.00	\$675.00	\$675.00
Abreu-Duverge, Nancy	4.80	\$125.00	\$125.00	\$600.00	\$600.00
Nadgorska, Marta	2.30	\$125.00	\$125.00	\$287.50	\$287.50
Ner, Iwona	1.20	\$125.00	\$125.00	\$150.00	\$150.00
Peters, Jayden	0.50	\$125.00	\$125.00	\$62.50	\$62.50
<b>TOTALS</b>	<b>1256.60</b>			<b>\$432,168.00</b>	<b>\$410,912.50</b>

<b>Breakdown Attorneys v. Staff:</b>				
	<b>Hours</b>	<b>Percentages</b>	<b>Regular Lodestar</b>	<b>Discounted Lodestar</b>
<b>Attorneys Total =</b>	696.40	55.42%	\$299,525.50	\$278,270.00
<b>CPA Total =</b>	278.30	22.15%	\$97,405.00	\$97,405.00
<b>Staff Total =</b>	281.90	22.43%	\$35,237.50	\$35,237.50
<b>TOTALS =</b>	<b>1256.60</b>		<b>\$432,168.00</b>	<b>\$410,912.50</b>

4. The V&A Firm's regular hourly rates for partners, other attorneys, and professional support staff are the same as the regular current rates charged for their services in non-contingent matters and/or have been used in the lodestar cross check and have been deemed reasonable. Indeed, these rates have been approved for the V&A Firm by courts in the Second Circuit and across the country. *E.g.*, Espinoza v. 953 Assocs. LLC, 280 F.R.D. 113, 129-130 (S.D.N.Y. 2011) (Scheindlin, J.); Lujan v. Cabana Management, Inc., Index No. 10-cv-755 (E.D.N.Y. Feb. 1 2011) (Block, J.); In re: Penthouse Executive Club Compensation Litigation, 10-CV-1145 (KMW) (S.D.N.Y. Jan. 14, 2014); Gucciardo v. Titanium Construction Services, 2017 U.S.Dist.LEXIS 109727, Index No. 16-cv-1113 (S.D.N.Y. July 14, 2017); McBeth v. Gabrielli Trucking, 09-CV-4112(LDW) (E.D.N.Y. 2011); Zepeda et al. v. Franari Produce Distributors Inc., et al., (EDNY 10-cv-2588) (Bianco, J.); Guzman v. VLM, Inc., 2007 U.S.Dist.LEXIS 75817, Index No. 07-cv-1126 (S.D.N.Y. Oct. 11, 2007); Dabrowski v. ABAX Inc., 2010 NY Slip Op 31981U, *aff'd* 4 A.D.3d 633 (1st Dept. 2011); Brieno v. USI Servs. Group, 2010 U.S. Dist. LEXIS 78672 (E.D.N.Y. Aug. 3, 2010); Cardona v The Maramont Corporation, 2009 NY Slip Op 32695U (*Sup.Ct.N.Y.Co. Nov. 12, 2009*); Kudinov v. Kel-Tech Construction Inc., 65 A.D.3d 481 (*1st Dept. 2009*); Morris v. Alle Processing, Corp., Docket No. 08-CV-4874 (E.D.N.Y. Dec. 22, 2009); Nawrocki v. Crimson Construction, Docket No. 08-CV-3153 (E.D.N.Y. June 17, 2009); Cox v. Nap Construction Company, Inc., Index No. 11179/03 (Sup. Ct. N.Y. Co. 2004) (Cahn, J.), *aff'd*,

10 N.Y.3d 592 (2008); Isufi v. Prometal Construction, Inc., 161 A.D.3d 623 (1st Dept. 2018); Galdamez v. Biordi Constr. Corp., 13 Misc. 3d 1224A (Sup.Ct.N.Y.Co. June 8 2006), *aff'd* 50 A.D.3d 357 (Apr. 8, 2008); Weinstein v. Jenny Craig Operations, Inc., 138 A.D.3d 546 (1st Dept. 2016); Gonzalez v. Nicholas Zito Racing Stable, Inc., 2008 U.S. Dist. LEXIS 27598 (E.D.N.Y. Mar. 31, 2008); Guzman v. VLM, Inc., 2008 U.S. Dist. LEXIS 15821 (S.D.N.Y. Mar. 2, 2008); Pajaczek v. Cema Constr. Corp. 2008 NY Slip Op 50386U (Sup.Ct.N.Y.Co. Feb. 21, 2008); De La Cruz v. Caddell Dry Dock & Repair Co., Inc., 21 N.Y.3d 530 (2013); Brandy v. Canea Mare Construction, Inc., 4 A.D.3d 512 (2nd Dept. 2006); Rodriguez v. Apple Builders & Renovators, Inc., et al., Index No.: 114971-2005 (Sup.Ct.N.Y.Co. Nov. 1, 2006); Hoffman v. New York Stone Co., Index No.: 111823-2005 (Sup.Ct.N.Y.Co. Sept. 29, 2006); Wysocki v. Kel-Tech Construction, Inc., Index No.: 603591-2003 (Sup.Ct.N.Y.Co. Sept. 26, 2005); Velez v. Majik Cleaning Serv., 2005 U.S. Dist. LEXIS 709 (S.D.N.Y. Jan. 19, 2005); Alfaro v. Vardaris Tech, Inc., 69 A.D.3d 436 (1st Dept. 2010); Barone v. Safway Steel Products, Inc., 2005 WL 2009882 (E.D.N.Y. 2005); Brunson v. City of New York, 94 Civ. 4507 (S.D.N.Y.); Andrejuk v. National Environmental Safety Co. Inc., 94 Civ. 4638 (S.D.N.Y.); Pesantez v. Boyle Environmental Services, Inc., Index No. 128988/93 (Sup. Ct. N.Y. Co. 1998) (Cahn, J.), *aff'd* 251 A.D.2d 11, 673 N.Y.S.2d 659 (1st Dept. 1998); Sullivan v. True Plumbing and Heating Corp., et al., Index No. 600409/95 (Sup Ct. N.Y. Co. 1997) (Gammerman, J.), *aff'd sub. nom.*, Sullivan v. International Fidelity Co., 225 A.D.2d 128, 679 N.Y.S.2d 391 (1st Dept. 1998); Kopacz, et al. v. St. Paul Fire and Marine Insurance Co., et al., Index No.: 111154-2008 (Sup.Ct.N.Y.Co. 2011); Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

5. Travel time has been billed at a 50% rate.

6. In the exercise of billing discretion, I have not included de minimis time and have removed time that I considered duplicative.

7. As of November 2, 2018, the total number of hours expended on this litigation by my firm is 1256.60 hours. The total lodestar based on the law firm's regular rates is \$432,168.00. The total lodestar based on the law firm's discounted rates is **\$410,912.50**, consisting of \$278,270.00 for attorneys' time, \$97,405.00 for CPA's time, and \$35,237.50 for professional support staff time.

8. As detailed below, my firm has incurred a total of **\$9,522.87** in unreimbursed expenses in connection with the prosecution of this litigation.

9. The expenses incurred in this action are reflected on the books and records of my firm, which are available at the request of the Court. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses as charged by the vendors. Third-party expenses are not marked up. A summary of these expenses is provided in the schedule below. Upon request, we will provide the Court with copies of documentation for each of the costs itemized above.

<b>Description</b>	<b>Amount</b>
Court Filing/Service Fee(s)	\$331.00
Computer & Other Research Fee(s) (Lexis/Westlaw/Pacer)	\$441.41
Mediation Fee	\$7,300.00
Opt-In Class Discovery Fee(s)	\$860.00
Travel Expenses (including hotels, meals, and transportation)	\$517.74
Postage/FedEx	\$72.72
<b>Total Expenses</b>	<b>\$9,522.87</b>

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of November, 2018.

Lloyd Ambinder *w/permission*